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LEWIS AND ROCA LLP 40 North CENTRAL AVENUE			CARTER, CANDICE D	
PHOENIX, AZ 85004-4429			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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		Application No.	Applicant(s)			
Office Action Summary		10/651,529	GULLO ET AL.			
		Examiner	Art Unit			
		Candice D. Carter	4127			
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet with the o	correspondence address			
A SH WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE of time may be available under the provisions of 37 CFR 1.15 SIX (6) MONTHS from the mailing date of this communication. Operiod for reply is specified above, the maximum statutory period varie to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tir will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
1)⊠	Responsive to communication(s) filed on 29 A	<u>ugust 2003</u> .				
2a) <u></u> □	This action is FINAL . 2b)⊠ This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.			
Dispositi	ion of Claims					
5)□ 6)⊠ 7)□	Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdray. Claim(s) is/are allowed. Claim(s) 1-24 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/o	wn from consideration.				
Applicati	ion Papers					
10)⊠	The specification is objected to by the Examine The drawing(s) filed on 29 August 2003 is/are: Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	a)⊠ accepted or b)□ objected drawing(s) be held in abeyance. Section is required if the drawing(s) is object.	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).			
Priority ι	ınder 35 U.S.C. § 119					
	Acknowledgment is made of a claim for foreign All b) Some * c) None of: Certified copies of the priority documents Certified copies of the priority documents Copies of the certified copies of the priority documents application from the International Bureau	s have been received. s have been received in Applicati rity documents have been receive	on No			
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2) 🔲 Notic 3) 🔯 Inforr	te of References Cited (PTO-892) te of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) or No(s)/Mail Date 4/26/2004	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate			

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DETAILED ACTION

1. This communication is a First Action Non-Final on the merits. Claims 1-24, as originally filed, are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 recites the limitation "said postage" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Stamps.com (2001).

As per claim 1, Stamps.com discloses, "A method of processing refunds online comprising the steps of:

a purchaser making a purchase" (Purchasing Postage, pg 1; This page describes how a purchaser would purchase postage from the website);

"assigning identifying information to said purchase" (Stamps.com image; displays the postage that can be purchased and printed from the website. The postage indicia itself is identifying information of the purchase where the barcode holds information that is particular to said purchase);

"said purchaser seeking a refund for said purchase associated with said identifying information" (Credit Request Form; This page describes how a customer might submit a request for a credit for unused or misprinted postage which serves as a refund for postage that has not been used);

"said step of seeking said refund further comprising the steps of:

said purchaser logging on to an online refund system" (Login; This page describes how a customer can log into the online postage system in order to conduct the postage transactions online)

"said purchaser providing to said online refund system said identifying information" (Credit Request Form; This page describes how the customer would send in the identifying information for the purchase of the postage so that they may receive a refund for the unused postage);

"said online refund system verifying said refund request" (Misprinted Postage Policy, pg 2; via process your request, where the examiner interprets the processing of the request to represent the process of receiving the required information and verifying it in order to process the refund);

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"and said online refund system providing a refund for said purchase to said purchaser" (What is the Stamps.com credit or refund policy?, pg 1, \P 3; via purchase will be fully refunded).

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As per claim 2, Stamps. com discloses "wherein said purchase is made online" (Company Profile, pg 1, ¶ 1; via internet mailing and shipping service).

As per claim 5, Stamps.com discloses "said purchaser providing to said online refund system information concerning said purchaser, including a user ID and a password" (Login; pg.1, ¶ 5; via username and password).

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 3,4,6, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamps.com, as applied to claim 1 above, and further in view of Lingle et al. (7,233,929).

As per claim 3, Stamps.com discloses all of the elements of the claimed invention but fails to explicitly disclose "wherein said identifying information includes a tracking number".

Lingle et al. discloses a postal system having "identifying information includes a tracking number" (col. 37, line 17; via transaction ID number for tracking the request, where the transaction ID also serves as a tracking ID).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of Stamps.com to include the tracking number as taught by Lingle et al, in order to allow for the customer to track their purchases, packages, and/or refund processing.

As per claim 4, Stamps.com discloses all of the elements of the claimed invention but fails to explicitly disclose "wherein said identifying information includes a transaction number".

Lingle et al. discloses a postal system having "identifying information includes a transaction number" (col. 37, line 17; via transaction ID number for tracking the request).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of Stamps.com to include the transaction number as taught by Lingle et al, in order to allow for the customer and Stamps.com to easily identify the purchases made on the online postage system.

As per claim 6, Stamps.com further discloses "said step of verifying said refund request includes the step of determining whether an undue period of time has passed from said purchase" (Misprinted Postage Policy; pg.1, ¶ 2; via misprint credit request form must be submitted within 10 days from the date of the misprint in order to receive the refund).

As per claim 15, Stamps.com discloses all of the elements of the claimed invention but fails to explicitly disclose "step of permitting a purchaser who has received a rejection of a refund request to appeal said rejection".

Lingle et al. discloses a postal system having "step of permitting a purchaser who has received a rejection of a refund request to appeal said rejection" (col. 32, line 1; via if customer calls back the CSR can override refusal at their discretion, where the customer is calling back in order to appeal a previous refund rejection).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of Stamps.com to include the step of permitting a purchase to appeal a refund request rejection as taught by Lingle et al.. This is because a customer always has a right to dispute any matter that involves a purchase that they have made.

8. Claims 7- 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamps.com in view of Lingle et al. as applied to claim 3 above, and further in view of Kovlakas (US 2003/0089765).

As per claim 7, The Stamps.com and Lingle et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "wherein said step of verifying said refund request includes the step of determining whether there has been a scan event associated with said postage".

Kovlakas discloses a postal system "wherein said step of verifying said refund request includes the step of determining whether there has been a scan event associated with said postage" (pg. 2, col. 2, ¶ 21; via meter would check with the

transaction log server to determine if the information scanned from indicia was reported to log server and the post has not cancelled indicia before refund is processed).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Lingle et al. combination to include the step of determining whether there has been a scan event as taught by Kovlakas, in order to detect fraudulent attempts to steal postage.

As per claim 8, Lingle et al. further discloses "said step of verifying said refund request includes the step of queuing said request for a period of time" (col. 26 line 3; via the USPS requires that Stamps.com wait 14 days for a transaction to clear before processing a refund). The Stamps.com and Lingle et al. combination, however, fails to disclose "determining that no scan event occurs during said period of time, prior to issuing a refund".

Kovlakas discloses a postal system "determining that no scan event occurs during said period of time, prior to issuing a refund" (pg. 2, col. 2, ¶ 21; via meter would check with the transaction log server to determine if the information scanned from indicia was reported to log server).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Lingle et al. combination to include the step of queuing the refund request for a period of time to determine that no scan event has occurred as taught by Kovlakas.

As per claim 9, Lingle further discloses "wherein said period of time is seven days" (col. 26, line 38; via other periods can also be used, where the period of time does not have to be 14 days but could also be seven days)

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stamps.com in view of Foth et al. (WO 01/48659).

As per claim 10, Stamps.com discloses all of the elements of the claimed invention but fails to explicitly disclose "wherein said step of verifying said refund request includes the step of determining whether there has been a prior refund request associated with said purchase".

Foth et al. discloses an electronic refunds payment system "wherein said step of verifying said refund request includes the step of determining whether there has been a prior refund request associated with said purchase" (pg. 11, line 30; via checks to ensure that a refund has not yet previously been made for that item).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of Stamps.com to include the step of determining whether there has been a prior refund request associated with said purchase as taught by Foth et al., in order to identify attempts by customers to fraudulently request multiple refunds on any one particular item.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stamps.com in view of Lingle et al. as applied to claim 3 above and further in view of O'Brien (1998).

As per claim 11, the Stamps.com and Lingle et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "step of verifying said refund request includes the step of determining whether said purchase for which a refund has been sought has previously been voided".

O'Brien discloses a refund processing system having "step of determining whether said purchase for which a refund has been sought has previously been voided" (pg. 5, ¶ 6; via these reports, which include all refunds, voided sales, and other activity are reviewed by the security consultant for potentially suspicious activity).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Lingle et al. combination to include the step of determining whether said purchase for which a refund has been sought has previously been voided as taught by O'Brien, in order to identify those customers who are attempting to submit fraudulent refund requests.

11. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamps.com as applied to claim 1 above and further in view of O'Brien.

As per claim 12, Stamps.com discloses all of the elements of the claimed invention but fails to explicitly disclose "the step of tracking an identity of a purchaser who submits a plurality of improper refund requests".

O'Brien discloses a refund processing system having "the step of tracking an identity of a purchaser who submits a plurality of improper refund requests" (pg. 5, ¶ 4 and 5; via where the customer attempts to improperly return an item and a security consultant then checks records to see how often the customer has attempted to return merchandise).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of Stamps.com to include the step of tracking the identity of a customer who submits improper refund requests as taught by O'Brien, in order to identify those customers who are attempting to submit fraudulent refund requests.

As per claim 13, Stamps.com discloses all of the elements of the claimed invention but fails to explicitly disclose "the step of suspending purchase privileges of said purchaser who submits a plurality of improper refund requests".

O'Brien discloses a refund processing system having "the step of suspending purchase privileges of said purchaser who submits a plurality of improper refund requests" (pg. 5, ¶ 5, via; security will call to inform the customer that the check is being withheld).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of Stamps.com to include the step of suspending the privileges of a customer who submits improper refund requests as taught by O'Brien, in order to identify those customers who are attempting to submit fraudulent refund requests.

As per claim 14, Stamps.com discloses all of the elements of the claimed invention but fails to explicitly disclose "the step of report said identity of said purchaser who submits a plurality of improper refund requests".

O'Brien discloses a refund processing system having "the step of report said identity of said purchaser who submits a plurality of improper refund requests" (pg. 5, ¶ 3; via the policy requires the manager to document the return in a written report headquarters).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of Stamps.com to include the step of reporting said identity of a customer who submits improper refund requests as taught by O'Brien, in order to identify those customers who are attempting to submit fraudulent refund requests.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stamps.com in view of Kovlakas, and further in view of Foth et al..

As per claim 16, Stamps.com discloses "A method of processing refunds online comprising the steps of: accepting a purchase from a purchaser;

wherein said purchase is of postage and wherein said purchase is evidenced by identifying information" (Purchasing Postage, pg. 1; This page describes how a purchaser would purchase postage from the website, and Stamps.com image; displays the postage that can be purchased and printed from the website. The postage indicia itself is identifying information of the purchase where the barcode holds information that is particular to said purchase);

"accepting a refund request from said purchaser for said purchase associated with said identifying information" (Credit Request Form; This page describes how the customer would send in the identifying information for the purchase of the postage so that they may receive a refund for the unused postage);

"said step of accepting said refund request further comprising the steps of permitting said purchaser to:

log on to an online refund system" (Login; This page describes how a customer can log into the online postage system in order to conduct the postage transactions online);

"provide to said online refund system information concerning said purchaser, including a user ID and a password" (Login; pg.1, ¶ 5; via username and password); and

"provide to said online refund system said identifying information concerning said purchase" (Credit Request Form; This page describes how the customer would send in the identifying information for the purchase of the postage so that they may receive a refund for the unused postage);

"verifying said refund request" (Misprinted Postage Policy, pg 2; via process your request, where the examiner interprets the processing of the request to represent the process of receiving the required information and verifying it in order to process the refund);

"and said online refund system providing a refund for said purchase to said purchaser" (What is the Stamps.com credit or refund policy?, pg 1, ¶ 3; via purchase will be fully refunded).

However, Stamps.com fails to explicitly disclose:

"wherein said step of verifying said refund request includes the step of determining whether there has been a scan event associated with said postage" and

"wherein said step of verifying said refund request further includes the step of determining whether there has been a prior refund request associated with said purchase".

Kovlakas discloses a postal system "wherein said step of verifying said refund request includes the step of determining whether there has been a scan event associated with said postage" (pg. 2, col. 2, ¶ 21; via meter would check with the transaction log server to determine if the information scanned from indicia was reported to log server and the post has not cancelled indicia before refund is processed).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of Stamps.com to include the step of determining whether there has been a scan event associated with said postage as disclosed by Kovlakas. This is because the scan event associated with the postage will determine whether or not the postage has been used already and will identify fraudulent attempts to steal postage.

Foth et al. discloses an electronic refunds payment system "wherein said step of verifying said refund request further includes the step of determining whether there has

been a prior refund request associated with said purchase" (pg. 11, line 30; via checks to ensure that a refund has not yet previously been made for that item).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Kovlakas combination to include the step of determining whether there has been a prior refund request associated with said postage as disclosed by Foth et al., in order to prevent the issue of multiple refunds for the same postage indicia.

13. Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamps.com in view of Kovlakas, in view of Foth et al., as applied to claim 16 above, and further in view of Lingle et al..

As per claim 17, Stamps.com and Kovlakas and Foth et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "wherein said identifying information includes a tracking number".

Lingle et al. discloses a postal system "wherein said identifying information includes a tracking number" (col. 37, line 17; via transaction ID number for tracking the request, where the transaction ID also serves as a tracking ID).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Kovlakas and Foth et al. combination to include the tracking number as taught by Lingle et al, in order to allow for the customer to track their purchases, packages, and/or refund processing.

As per claim 18, the Stamps.com and Kovlakas and Foth et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "wherein said identifying information includes a transaction number".

Lingle et al. discloses a postal system having "wherein said identifying information includes a transaction number" (col. 37, line 17; via transaction ID number for tracking the request).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Kovlakas and Foth et al. combination to include the transaction number as taught by Lingle et al, in order to allow for the customer and Stamps.com to easily identify the purchases made on the online postage system.

As per claim 19, Stamps.com further discloses "said step of verifying said refund request includes the step of determining whether an undue period of time has passed from said purchase" (Misprinted Postage Policy; pg.1, ¶ 2; via misprint credit request form must be submitted within 10 days from the date of the misprint in order to receive the refund).

As per claim 20, Kovlakas further discloses "determining that no scan event occurs during said period of time, prior to issuing a refund" (pg. 2, col. 2, ¶ 21; via meter would check with the transaction log server to determine if the information scanned from indicia was reported to log server).

However, the Stamps.com and Kovlakas and Foth et al. combination fails to disclose "said step of verifying said refund request includes the step of queuing said request for a period of time".

Lingle et al. discloses a postal system having "the step of queuing said request for a period of time" (Lingle et al.; col. 26 line 3; via the USPS requires that stamps.com wait 14 days for a transaction to clear before processing a refund).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Kovlakas and Foth et al. combination to include the step of queuing the refund request for a period of time as taught by Lingle et al., in order to ensure that there has not been another scan event associated with the postage will identify fraudulent attempts to steal postage by revealing if someone has attempted to use the refunded postage after the refund has been requested.

As per claim 21, the Stamps.com and Kovlakas and Foth et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "wherein said period of time is seven days".

Lingle et al. discloses a postal system "wherein said period of time is seven days" (col. 26, line 38; via other periods can also be used, where the period of time does not have to be 14 days but could also be seven days)

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Kovlakas and Foth et al. combination to include the step of queuing the refund request for seven days as taught

by Lingle et al., in order to ensure that there has not been another scan event associated with the postage which will identify fraudulent attempts to steal postage by revealing if someone has attempted to use the refunded postage after the refund has been requested.

14. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamps.com in view of Kovlakas, in view of Foth et al. as applied to claim 16 above and further in view of O'Brien.

As per claim 22, the Stamps.com and and Kovlakas and Foth et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "step of verifying said refund request includes the step of determining whether said purchase for which a refund has been sought has previously been voided".

O'Brien discloses a refund processing system having "step of verifying said refund request includes the step of determining whether said purchase for which a refund has been sought has previously been voided" (pg. 5, ¶ 6; via these reports, which include all refunds, voided sales, and other activity are reviewed by the security consultant for potentially suspicious activity).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Lingle et al. combination to include the step of determining whether said purchase for which a refund has been sought has previously been voided as taught by O'Brien, in order to identify those customers who are attempting to submit fraudulent refund requests.

As per claim 23, the Stamps.com and and Kovlakas and Foth et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "the step of tracking an identity of a purchaser who submits a plurality of improper refund requests".

O'Brien discloses a refund processing system having "the step of tracking an identity of a purchaser who submits a plurality of improper refund requests" pg. 5, ¶ 4 and 5; via where the customer attempts to improperly return an item and a security consultant then checks records to see how often the customer has attempted to return merchandise).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Lingle et al. combination to include the step of tracking the identity of a customer who submits improper refund requests as taught by O'Brien, in order to identify those customers who are attempting to submit fraudulent refund requests.

As per claim 24, the Stamps.com and Kovlakas and Foth et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "the step of suspending purchase privileges of said purchaser who submits a plurality of improper refund requests".

O'Brien discloses a refunds processing system having "the step of suspending purchase privileges of said purchaser who submits a plurality of improper refund requests" (pg. 5, ¶ 5, via; security will call to inform the customer that the check is being withheld).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Kovlakas and Foth et al. combination to include the step of suspending the privileges of a customer who submits improper refund requests as taught by O'Brien, in order to identify those customers who are attempting to submit fraudulent refund requests.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Montgomery et al. (US 2002/0101147) discloses a method for issuing refunds for misprints of mail pieces. Junger et al. (US 2004/0172260) discloses a method and apparatus for enabling purchasers of products to obtain return information online. Williams et al. (US 2002/0032612) discloses an apparatus system, and method for online, multi parcel, multi-carrier, multi-service parcel returns shipping management. Holtz et al. ((US 2004/0128265) discloses a return merchandise processing system. Cordery et al. (US 2004/0093312) discloses a closed loop postage metering system. Amonette et al. (US 2004/0078346) discloses a return delivery charges weight averaging system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Candice D. Carter whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday-Friday (7:30-5:00) with First Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (572) 272-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER

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